

Appl. No. 09/617,036
Docket No. 0630-1127P

Reply to February 4, 2009 Office Action
Page 9

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 40-46 and 55-61 are now present in this application. Claims 40, 55 and 58 are independent. By this Amendment, claim 40 is amended by incorporating therein the subject matter of claim 47 (which has been canceled), and claims 47-53 and 62-79 have been canceled without prejudice. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 40, 41, 44, 48, 62 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,574,966 to Barzegar et al. ("Barzegar") in view of U.S. Patent 5,878,324 to Borth et al. ("Borth"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Initially, Applicants note that this rejection is moot with respect to claims 48, 62 and 69, which have been canceled without prejudice.

Claim 40 has been amended to include the subject matter of claim 47, which has been indicated as being allowable. Claims 41 and 44 depend from amended claim 40 and are allowable for at least that reason.

Accordingly, the Office Action fails to make out a *prima facie* case of the obviousness of independent claim 40, as amended, and of dependent claims 41 and 44.

Reconsideration and withdrawal of this rejection of claims 40, 41, 44, 48, 62 and 69 are

Appl. No. 09/617,036
Docket No. 0630-1127P

Reply to February 4, 2009 Office Action
Page 10

respectfully requested.

Allowed and Allowable Subject Matter

Applicants acknowledge with appreciation the indication that claims 55-61, 65-68 and 73-79 are allowed, and that claims 42, 43, 45-47, 49-53, 63-64 and 70-72 contain allowable subject matter.

As noted above, Applicants have added the subject matter of allowable claim 47 to claim 40 so that claim 40, as amended, is clearly allowable over the applied art, and Applicants have canceled claims 48-48-53 and 62-79 without prejudice. Claim 47 has also been canceled without prejudice.

Objected to claims 42, 43, 45 and 46 depend from allowable claim 40, so they do not need to be re-written to be in condition for allowance.

Appl. No. 09/617,036
Docket No. 0630-1127P

Reply to February 4, 2009 Office Action
Page 11

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: **MAY 4 2009**

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

Esther H. Chong

Reg. No.: 40,953

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703)205-8000

EHC/RJW:mmi:jmc

